

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1452 of 2015

Arising Out of Turkaulia (Banjaria) PS.Case No. -4 Year- 2014 Thana -
TURKAULIYA District- EAST CHAMPARAN (MOTIHARI)

- =====
1. Bachcha Sahani son of Late Asharfii Sahani
 2. Shyam Sahani @ Shyam Kumar Sahani son of Manoj Sahani, Both residents of Village - Jhakhiya (Nayka Tola), Police Station - Banjariya, District - East Champaran, (Motihari).

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. M. Haque(APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 14-05-2015 Learned counsel for the petitioners does not want to press the application for anticipatory bail on behalf of the petitioner No.1, as he has already been arrested by the police.

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner No.2, namely, Shyam Sahani @ Shyam Kumar Sahani in connection with Turkaulia (Banjaria) P.S.Case No. 04 of 2014 under Sections 395/412 of the Indian Penal Code.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 02.12.2014, passed, in A.B.P. No. 389/1012 of 2014 by the learned Sessions Judge, East Champaran, Motihari rejecting the

said application for pre-arrest bail.

Heard Mr. Dhurendra Kumar, learned counsel for the petitioner No.2, and Mr. M. Haque, learned APP, appearing for the State.

The High Court, while exercising its powers under Section 438 Cr.P.C., stands on the same footing as does a Sessions Judge inasmuch as a High Court and Sessions Judge have coordinate jurisdiction, while exercising power under Section 438 Cr.P.C.

Because of the nature of incriminating materials available against the petitioner No.2, this Court is of the view that in the facts and attending circumstances of the present case, the petitioner No.2 has not been able to make out any case calling for giving him benefit of pre-arrest bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected.

(I. A. Ansari, J)

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